

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

STATE OF OKLAHOMA, *et al.*)

Plaintiffs,)

v.)

TYSON FOODS, INC., *et al.*)

Defendants.)

Case No. 4:05-cv-00329-GKF-SAJ

Declaration of Michael J. McGuire

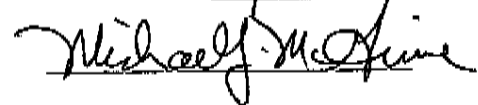
The undersigned, Michael J. McGuire, does hereby declare:

1. I earned a PhD in Environmental Engineering from Drexel University in 1977. I earned a Masters of Science in Environmental Engineering from Drexel University in 1972. I earned a Bachelor of Science in Civil Engineering from the University of Pennsylvania in 1969, where I was a member of the Sigma Tau Engineering Honor Fraternity, as well as the Hexagon Senior Honor Society.
2. I am currently a Vice President with Malcolm Pirnie, Inc., and environmental engineering firm. I was previously President of McGuire Environmental Consultants, Inc., which was acquired by Malcolm Pirnie in 2005. Before founding McGuire Environmental in 1992, I was Assistant General Manager with the Metropolitan Water District of Southern California.
3. I have extensive experience directing and conducting water quality projects including addressing the treatment of organic contaminants and pathogens, odor and taste, and disinfection by-products. I am a board certified environmental engineer with the American Academy of Environmental Engineers, and am a registered professional engineer in Pennsylvania, New Jersey, California, Arizona, and Texas. I am a member of the American Water Works Association, the American Chemical Society, the American Society of Civil Engineers, the International Water Association, the Water Environment Federation, and the National Society of Professional Engineers, Sigma Xi.
4. I have been retained by the Defendants in this matter to address water quality and water processing issues.
5. Based on my preliminary review of Plaintiffs' reports, it appears that the Plaintiffs intend on advancing a number of claims that are not well supported by existing science. These claims are novel and unexpected and thus will require particular scrutiny.

6. In order to respond to these unexpected claims it will be necessary to gather and analyze a substantial volume of data. First, I will have to analyze reports and other records from the various water processing facilities within the Illinois River Watershed, of which there are a large number. Each of these plants is required to issue periodic reports addressing water quality issues, and also to keep certain records. While the materials provided by the Plaintiffs appear to contain some of these reports and records, it is unclear to me at present whether they have all been gathered and produced as part of the discovery in this case.
7. In addition to formal reports and records, in my experience there is often a significant level of informal monitoring and recording that occurs at water treatment facilities. In order to understand the precise processes being used at each facility, it may be necessary to discuss these issues with one or more representatives for each in order to discuss issues including plant design, plant operations, and the decision-making process behind the mix of chemicals and other disinfectants used or not used in the water treatment process. The extent to which I will need oral information from representatives will be informed by my analysis of the documents from these water treatment facilities.
8. Assuming timely production of materials from these facilities, and assuming diligent efforts on my part, I can complete my work by December 15, 2008.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on 6/9, 2008

A handwritten signature in black ink, appearing to read "Michael J. McNamee", written over a horizontal line.

DCI 1213107v.1